

**CITY OF CANAL FULTON  
CITY COUNCIL MEETING MINUTES  
November 7, 2012**

**CALL TO ORDER**

Mayor Richard Harbaugh called the November 7, 2012 City Council Meeting to order at 7:00pm in Council Chambers, City Hall, Canal Fulton, Ohio.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

Mayor Richard Harbaugh, Council Members Paul Bagocius, Nellie Cihon, Danny Losch was absent due to an emergency at work Sue Mayberry, Scott Svab, Linda Zahirsky. Linda Zahirsky made a motion to excuse Danny Losch, Scott Svab seconded. All Council Members were in favor, motion passed.

Others Present: City Manager Mark Cozy, Law Director Scott Fellmeth, Fire Captain Ray Green, Police Chief Doug Swartz, Finance Director James Goffe, Service Director Dan Mayberry, Bill Dorman and Council Clerk Teresa Dolan

Also Present: James Deans, Earl Minks, Bob and Barb Schaffer, and Joan Porter.

**REPORTS OF STANDING COMMITTEES**

Scott Svab reported on the Finance Committee Meeting that took place prior to the Council Meeting at 6:00pm. Capital Items were discussed from departments and some projections that James Goffe gave. A written summary will be prepared. A follow up meeting will be scheduled.

**CITIZENS' COMMENTS – AGENDA MATTERS (Five Minutes per Individual – No Yield)**

**CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS**

October 16, 2012

Nellie Cihon made a motion to approve the October 16, 2012 minutes. Second by Linda Zahirsky.

Paul Bagocius asked why the work session was typed verbatim. Scott Svab relayed that he wanted clarification on additional staffing for the Police Department with the Mayor's vote to break the tie to be part of the official record.

Sue Mayberry stated that she had a change to a sentence on page 4, about the middle of the page where I say, "Isn't it an advantage to the City to have happy workers that are being rewarded?" Teresa stated that the change had been made and the minutes had been printed before the change was made.

All members voted yes, Motion approved.

**REPORTS OF ADMINISTRATIVE OFFICERS**

**Senior Citizens**

Linda Zahirsky mentioned the Northwest Stark Senior Sassy Press was part of the packet. Paul Bagocius stated that the Senior Center was granted approximately a \$21,000 grant from the Stark Community Foundation to put in new furnaces as well as a new roof with the City matching fifty percent.

**Community Service Coordinator**

No Report.

**Fire Chief**

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Ray Green was in attendance. The September Monthly Report was included in the packet. Mr. Green mentioned that approximately 2,100 glow sticks were handed out on the revised Trick or Treat date.

Police Chief

Chief Doug Swartz stated that he is proud that we are in a community that can still have Trick or Treat at night. All officers were in attendance and Chief Swartz commended them. Also, Ryan McDowell at seized the flag at the Post Office. In the middle of a rain storm at 4:30am, Ryan fixed the flag. Chief Swartz said that it was posted on Facebook and received a lot of positive comments. He is very proud of the quality of the officers that we have.

Mayor Harbaugh stated he remembered going trick or treating at night and it just didn't seem right to him to have it any other way.

Chief Swartz said that there was only one incident at the Fun Fest.

Engineer/Streets/Public Utilities

Bill Dorman reported on Locust Street sidewalks from Beverly eastward. Also they are working on wrapping up some development work on Discover II and Elmridge 10, which has to do with sidewalks, bonds and sanitary sewer correction. Preparation for the November 30<sup>th</sup> ODOT meeting is also going on for Cherry/Locust. He is also assisting administration for a nomination form for Locust Street sanitary sewer. Mr. Dorman also reported that he received an email from OPWC District 19 about Locust/Portage resurfacing in regards to preliminary scoring. He will know more on November 15<sup>th</sup>, when the committee meets and decides which projects are funded.

Paul Bagocius asked what the tentative cost for the Locust/Cherry Street intersection was. James Goffe reported that it was approximately 2.4 million. Mr. Bagocius asked that Council Members take a look at the drawings closely for that intersection. Mr. Bagocius said the plans did not look like there was that much change. James Goffe said that figure includes environmental studies and most roadway projects cost more than expected. Mr. Dorman said that he could get a detailed estimate for Mr. Bagocius. Mr. Svab asked if right of way acquisition was included and Mark Cozy said yes it was. Mr. Bagocius just stated that he thought Council should look at the plans again.

Mr. Bagocius then asked about the increase in engineering costs for Locust Street. Mr. Goffe said the revised numbers came in after the last Council meeting. Bill Dorman said the engineering work just includes resurfacing existing two lane road and the City work involves a lot of spot repairs and other details.

Dan Mayberry included a written report with the packet. The service department just continues to be very busy with leaf collection and maintenance issues preventing an emergency. There was a water main break the past week on Dan Avenue.

Finance Director

James Goffe stated there was not a written report. He reported that effective September 28, 2012 the bidding threshold set by the Ohio Revised Code for cities is now \$50,000. Also at the conference that he attended that there were elements of the legislature that was moving forward on uniformity of income tax. It is now in the form of House Bill 601. The chair of the committee for HB601 stated at the conference that he was concerned that there were too many changes to be pushed through a lame duck session. The draft bill is 129 pages and is essentially a rewrite of the Ohio Revised Code chapter regarding municipal income taxation. Mr. Goffe will continue to keep Council updated.

City Manager

Mark Cozy submitted a written report at the Council Meeting. In his report was a recommendation for the Planning Commission. They would like to change

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our current sign ordinance pertaining to the electronic messaging signs to make a distinction of the ones that just show text and the ones that have the graphic display. They want to treat the signs that just show text as a normal sign. The ones with graphics would still be regulated. The historic district signs would still have to go through HPC for approval. Legislation has been created for that. Mr. Cozy asked for input from Council on whether to send it to Council of the Whole or just send it to Committee. These would be recommended changes to our sign ordinance.

Sue Mayberry asked if there a reason why the recommendation came to be. Mark Cozy stated that the City had some issues with different businesses wanting to put up signs. Our regulations on electronic messaging signs are very restrictive. The electronic messaging signs are basically the same as the removable letter signs. These signs are signs of the future. Mrs. Mayberry asked where the signs would be located. Mr. Cozy stated that there already was one at the Dairy Queen. Our Safety Center is an example also. Scrolling is not permitted. Mr. Cozy stated that this was not up for consideration tonight. Mr. Fellmeth stated that the legislation that was drafted had to go to Planning Commission. A public hearing would then have to be set. Mark Cozy stated that the recommendation came from the Planning Commission and is approved.

Mayor Harbaugh asked about the meeting at Massillon and how it went.

Mr. Cozy asked if the sign matter should go to a Public Service Committee meeting for review. The meeting with Massillon went well and the Memorandum of Understanding was passed by emergency legislation.

Sue Mayberry would like a copy of minutes from the Planning Commission where this was discussed. Mr. Cozy stated that it would be valuable. Sue Mayberry said she would like the minutes before the committee meets.

A motion was made by Paul Bagocius to set a Public Service Committee meeting for November 20, 2012 at 6:00pm. Second by Sue Mayberry. All Council Members voted in favor, motion approved.

Mr. Cozy stated that Civil Service Testing took place for a Street Operator C position. There were 22 applicants and the results should be back next week.

The last meeting Mr. Cozy was asked to do research on potential grants for sewer lines on Locust Street. He did not find a grant but he did find a potential loan application. The application was due November 8, 2012. This would be used to extend the sanitary sewer lines to the corporate boundary of the City on the north side. His recommendation, since it was a loan was that the business owners should be assessed for that line. The assessment would run along with the payments on the loan.

Scott Svab asked if this was OPWC loans. Mark Cozy stated that it was Water, Pollution Control loan fund. Scott Svab asked what the interest was and Bill Dorman stated 2.75% with a twenty year payoff. Mark Cozy stated that most of the parcels are owned by Don Schalmo. The project is being looked at because the engineering plans are complete. Bill Dorman stated that both water and sewer plans are laid out. It is all commercial property and most is vacant. Including residential property was discussed. Mr. Cozy stated that he was just looking at the one piece of the project. The loan can be applied for again next year. To do a small piece of a larger puzzle, we could apply for the loan now. The objective would be to assess those businesses on both side of the road for that portion of project to basically pay off the loan. Mr. Bagocius asked if the businesses had been contacted and supported. Mr. Cozy said not yet. One business has been contacted. Mr. Cozy stated that we did not have to apply for the loan we could wait until next year.

Paul Bagocius did ask about the Giant Eagle Renovation if it included a Getgo. Mr. Cozy stated that it was all interior and exterior to the building. Mr.

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Bagocius asked if there was a way we could work in a sidewalk issue with them. Mr. Cozy stated that would be a different company to do with.

Mrs. Cihon asked when the Mural would be put up. Mr. Cozy stated that the start would be tomorrow with the rental of a scissor lift. There are volunteers and some city people to help. The mural will hopefully be hung by December 1, 2012, which is the date for the Christmas on the Canal event.

A motion was made by Scott Svab to complete the application for a WPCLF loan for funds to be used to extend sanitary sewer lines to the corporate boundary of the City on the north side. Second by Nellie Cihon. Scott Svab stated that because it was at the last minute that we should wait. If it was free money we should do it, but for 2.75% interest let it go for now. Sue Mayberry stated that she was also not comfortable at this time to go through with it. Nellie Cihon asked if we could extend the project at some other time and Mark Cozy said yes. Nellie Cihon voted yes, Sue Mayberry, Paul Bagocius, Scott Svab and Linda Zahirsky voted no, motion fails.

Report of Mayor

No Report.

Parks & Recreation Board

Sue Mayberry brought to the attention of Council that the St. Helena II is in very poor condition. The boat has been vandalized and abused for quite some time now. Mrs. Mayberry brought pictures to share with Council and made suggestions to keep the boat safe until repairs can be made. Council decided that the steps would be taken off of the boat and no trespassing signs would be posted. The police can enforce no trespassing with the signs being posted. Council also discussed looking into fencing to go around the boat. Ms. Mayberry stated that she would like to see the boat become a living museum of how the boat ran.

A motion was made by Sue Mayberry to put the St. Helena II off limits with No trespassing signs. Second by Linda Zahirsky. All Council members voted yes, motion approved.

Law Director

Scott Fellmeth reported on the Ohio Civil Rights complaint filed by Gayle Danzy is still pending. There is no new information at this time. The complaint can go three ways. They can ask for more information from either side, they can approve the complaint; which means it would be sent to a committee for further discussion or they can dismiss it.

Michael Mouse has filed a lawsuit against the City. There are several civil rights violations filed. Named in a personal capacity are the Police Chief Doug Swartz, former Fire Chief Ray Green and Linda Zahirsky. The complaint that was filed, all three people were suited individually. This means that they can be found liable. Mr. Fellmeth said he felt that we have adequate liability coverage in the City to cover all three individuals.

Mrs. Zahirsky asked if the people should go out and get their own attorneys. Mr. Fellmeth said that they could if we had inadequate liability insurance. However, he always recommends that your own attorney is consulted. Mr. Bagocius asked who does represent them. Mr. Fellmeth said there is professional liability insurance and that company would handle that.

Scott Fellmeth informed Council that he will not be in attendance at the December 4<sup>th</sup>, 2012 Council meeting due to attending a seminar. Council will need to suspend the rules for the Salary Ordinance 29, 30 and 31-12.

**THIRD READINGS** – No third readings.

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**SECOND READINGS** – No second readings.

**FIRST READINGS**

**Ordinance 28-12:** An ordinance amending the codified ordinances of the utilities code of the City of Canal Fulton, Ohio to amend Chapter 933 Sewer Charge System and repealing any ordinances in conflict therewith.

Mr. Bagocius stated that he knew that one of the reasons this went on the agenda was to get the ball rolling. Mr. Bagocius personally will not vote yes on this because it is a sixty percent increase over a period of four years. He thought the basic reason we were doing scenario two was to bring up the sewer capital fund up to close to \$500,000. One of the main reasons to do that is due to the Marshalville project. He has a hard time asking the City residents to pay \$250,000 over a four year period. Mr. Bagocius asked that the Finance Director come up with a formula to allow for an increase, to come up with building up that capital fund to a half million in an eight year period instead of a four year period.

James Goffe stated that Mr. Bagocius asked for that before. The problem with that is that we have no capital plan for the sixth, seventh or eighth year. Mr. Goffe does not have any comfort in any estimate that can be made that far out. Mr. Goffe asked what Council would like to see.

Mr. Fellmeth stated that this should go to committee. Scott Svab stated that it had come out of committee. This was the Finance Director and the Service Director's recommendation. It was decided to let it go through the readings.

**Ordinance 29-12:** An ordinance amending Ordinance 2-11, Rates of Pay for Full-time Non-Bargaining Employees, effective January 1, 2013 and repealing any ordinances in conflict therewith.

**Ordinance 30-12:** An ordinance amending Ordinance 6-12, Rates of Pay for Non-safety Forces Part-time Employees, effective January 1, 2013, and repealing any ordinances in conflict therewith.

**Ordinance 31-12:** An ordinance amending Ordinance 3-11, Rates of Pay for Safety Forces Part-time employees, effective January 1, 2013 and repealing any ordinances in conflict therewith.

**Ordinance 32-12:** An ordinance amending Ordinance 4-12, Rated of Pay for Canal Boat Employees, effective January 1, 2013, and repealing any ordinances in conflict therewith.

**Ordinance 33-12:** An ordinance by the Council of the City of Canal Fulton, Ohio to grant Teresa Dolan foreign service credit to determine vacation time under Administrative Code Chapter 141.18(b)

**Ordinance 34-12:** An ordinance by the Council of the City of Canal Fulton, Ohio to grant James Goffe foreign service credit to determine vacation time under Administrative Code Chapter 141.18(b)

**Ordinance 35-12:** An ordinance by the Council of the City of Canal Fulton, Ohio to hire a full-time police officer for the Canal Fulton Police Department and declaring an emergency.

A motion was made to suspend the rules by Nellie Cihon. Second was by Linda Zahirsky. All Council members voted in favor, motion approved.

A motion was made for passage of Ordinance 35-12 by Linda Zahirsky. Second by Nellie Cihon. All Council members voted in favor, motion approved.

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**P.O.s**

**P.O. 7508:** to Pride Heating & Cooling in the amount of \$14,565.00 to replace the Senior Center furnaces.

A motion was made to approve Purchase Order 7508 by Linda Zahirsky. Second by Nellie Cihon. All Members voted in favor, motion approved.

**BILLS:** None

**OLD/NEW/OTHER BUSINESS**

A motion was made by Linda Zahirsky to set a Finance Committee meeting on November 13, 2012 at 7:00pm. Second by Scott Svab. All Council Members voted in favor, motion approved.

Sue Mayberry thanked Teresa Dolan for updating the website and changes that were made. Teresa Dolan stated that there were more changes coming. It is very cumbersome to get the site changed.

Mrs. Mayberry mentioned that minutes need to be updated, and Teresa Dolan stated that she is working on updating all of the minutes from various committees.

**REPORT OF PRESIDENT PRO TEMPORE** - None

**REPORT OF SPECIAL COMMITTEES** - None

**CITIZENS COMMENTS – Open Discussion (Five Minute Rule)**

James Deans announced the Veterans Day Program on November 11, 2012 at 1:00pm. It will be held in front of City Hall

Earl Mincks asked if there was a way to put a place on the current water bill for residents to write in there meter reading. James Goffe said he would check on that.

**ADJOURNMENT**

The meeting was adjourned at 8:35pm